

902 KAR 4:010. Lay-midwifery.

RELATES TO: KRS 211.090, 211.180

STATUTORY AUTHORITY: KRS 194.050, 211.090

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.180 authorizes the Cabinet for Human Resources to regulate the practice of lay-midwifery in Kentucky, including the issuance of permits and the supervision of persons who practice lay-midwifery. This administrative regulation does not authorize the issuance of new permits to practice lay-midwifery. It does, however, authorize the renewal of existing permits to practice lay-midwifery provided a need for such services exists locally.

Section 1. Practice of Lay-midwifery Defined. The practice of lay-midwifery means assistance, or offer of assistance, rendered by a person, other than a physician or nurse-midwife, to a woman in normal childbirth, without using any instrument or artificial, forcible or mechanical means and without performing or attempting to perform any version or removing or attempting to remove adherent placenta and without prescribing, using or advising the use of any drug except silver nitrate for the eyes of the newborn.

Section 2. Practice of Lay-midwifery without Permit Prohibited. A person shall not engage or attempt to engage in the practice of lay-midwifery within the state, unless he holds a valid and effective permit issued as herein provided.

Section 3. Lay-midwife Permits. New applications to practice lay-midwifery in the State of Kentucky shall not be accepted after April 9, 1975. Provided, however, that persons who have actively engaged in the practice of lay-midwifery in this state for a period of one (1) year prior to April 9, 1975 and who hold a valid and effective permit issued by the former Department of Health may, upon furnishing proof thereof, be entitled to renewal of their existing permit upon recommendation of the local board of health certifying a need for such services.

Section 4. Lay-midwife Practice Standards. Lay-midwives shall be under the supervision of the local board of health and shall comply with the following practice standards and requirements. In such practice, the lay-midwife shall:

- (1) Refer expectant mothers to a physician or to the local health department for a prenatal examination and blood test;
- (2) Report all expected deliveries to the local health department;
- (3) Neither give nor prescribe drugs of any kind except silver nitrate for the eyes of the newborn;
- (4) Not use instruments of any kind, nor assist labor by artificial, forcible or mechanical means, nor insert hands or fingers into the birth canal or rectum; and
- (5) Call a physician if:
 - (a) The mother has convulsions or other complications;
 - (b) There is any abnormal bleeding;
 - (c) The baby shows a presenting other than the head or is not born after twenty (20) hours of active labor in the primipara or ten (10) hours in the multipara; or
 - (d) There is any other evidence of abnormality.

Section 5. Permit Renewals. Lay-midwife permits issued under this administrative regulation shall expire on December 31 of each year, but may be renewed upon recommendation of the local health department where the midwife practices and upon certification of the local health department that a need for such services exists.

Section 6. Denial, Revocation or Suspension of Permit. The Cabinet for Human Resources may

deny, revoke, probate, suspend or refuse to renew the permit of any lay-midwife who has:

- (1) Been convicted of a felony involving moral turpitude;
- (2) Become habitually intemperate or is addicted to the use of habit-forming drugs;
- (3) Knowingly made or caused to be made or abetted in the making of any false statement in procuring or attempting to procure a permit or in the making of a birth or death certificate;
- (4) Developed such physical or mental disabilities that continued practice would be dangerous to the public or patients;
- (5) Engaged in dishonorable, unprofessional conduct of a character likely to deceive or defraud the public; or
- (6) Violated any of the provisions of this administrative regulation or any other administrative regulation of the Cabinet for Human Resources relating to the practice of lay-midwifery. (MCH-2-3; 1 Ky.R. 740; eff. 4-9-75; Am. 10 Ky.R. 685; eff. 3-1-84; 18 Ky.R. 1428; eff. 3-7-92.)